

6.0 STAFFING MANAGEMENT POLICIES

6.10 AUTHORITY AND SCOPE

The Staff Management Program is authorized by Section 25-9-101, et seq., Mississippi Code of 1972, Annotated, as amended, and applies to all agencies and positions within agencies under the purview of the State Personnel Board [Refer, Section 25-9-107 (d), Mississippi Code of 1972, Annotated, as amended].

6.10.1 Purpose

The Staff Management Program authorizes the State Personnel Board to monitor, control, and implement short and/or long-range organizational planning to achieve the most efficient and economical use of staffing positions within agencies.

In support of the stated purposes, the Staff Management Program provides for the following:

- A. The establishment, consolidation, or abolishment of agencies and employment positions;
- B. The submission, approval, and determination of compliance of agency organizational and staffing plans, payroll, program budget data, and other essential personnel data; and
- C. The provision of timely reports or recommendations on agency organizations and staffing cost projections to the Department of Finance and Administration and the Legislative Budget Office during the budget process regarding the status of employment positions within agencies.

6.11 ROLE OF AGENCY IN THE STAFFING MANAGEMENT PROGRAM

Each agency director is responsible for the continual evaluation of the agency's mission and workload to ensure that staffing resources are consistent with legal authority, mission priority, and sound staffing management principles. Actions taken to ensure the maximum utilization of staffing positions include, but are not limited to, the following:

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- A. Conducting long-range agency organizational planning in which organizational changes, additions or deletions of positions, or similar actions affecting budgetary requirements are anticipated and/or recommended for future fiscal years;
- B. Recommending elimination of non-essential agencies or positions;
- C. Recommending consolidation of agencies, positions, and activities when duplication of functions is indicated; and
- D. Establishing and maintaining a system of agency staffing management documentation and collection and retention of data (Refer, Section 25-9-133, Mississippi Code of 1972, Annotated, as amended).

6.11.1 Reporting Data

The director of each agency shall submit to the State Personnel Board all information deemed necessary by the State Personnel Board for the provision of required reports to the Governor, Legislature, Federal Government and general public [Refer, Section 25-9-135 (2), Mississippi Code of 1972, Annotated, as amended].

6.12 ESTABLISHMENT AND ABOLISHMENT OF AGENCIES/MASTER AGENCIES

Legislative appropriation of funds, Executive Order, Department of Finance and Administrative budget escalation, the receipt of federal funds, or loss of funding or authorization shall require the submission of documentation to the State Personnel Board for the establishment and/or abolishment of agencies and/or master agencies prior to requesting additions, deletions or changes in employment positions resulting therefrom. All agencies established or abolished in accordance with the provisions herein shall be based on legislative intent and authorization, appropriation or escalation of funds or loss thereof, and current fiscal policy.

6.12.1 Establishment of a New Agency/Master Agency

When legislative appropriation or other authority provides for the creation of a new agency and/or master agency, the agency director shall submit the following to the State Personnel Board:

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- A. A letter of justification addressed to the State Personnel Director;
- B. A copy of the enabling legislation or other authority that created the new agency and/or master agency; and
- C. A copy of the appropriation bill or other authority that funds the new agency and/or master agency.

The State Personnel Board employees will perform all functions in SPAHRS related to a master agency, including creating, maintaining, inactivating, and reactivating.

Once the master agency and/or agency records have been created in SPAHRS to include the fiscal year records, the agency shall create a Program Budget record for each new agency to be reviewed and approved by the Office of Classification and Compensation.

Please reference the SPAHRS User Training Workbook, Agency Segment, for more detailed information regarding the establishment of new agencies.

6.12.2 Consolidation of Existing Agencies and/or Master Agencies

Agencies directed by appropriation acts or other legislative authority to consolidate existing agencies/master agencies shall submit the following to the State Personnel Board:

- A. A letter of request to the State Personnel Director, describing by name and agency code number precisely which agency is expanding and which agencies are being abolished. The letter shall also address the disposition of former agency directors, bureau directors and division directors along with possible duplication of functions such as clerical support, print shops, computer centers, etc.;
- B. A copy of the enabling legislation or other authority that directed the consolidation to be accomplished;
- C. A copy of the appropriation bill or other authority that funded the consolidation of the agencies;

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- D. A revised organizational chart identifying the precise location, after consolidation, of all authorized positions prepared in accordance with established procedures;
- E. Any updates to the expanded agency's Program Budget record should be submitted online in SPAHRS to the Office of Classification and Compensation for review and approval; and
- F. Any other relevant supporting documentation.

NOTE: Once all positions have been transferred to the expanded agency, the relevant agencies and/or master agencies shall be inactivated by the Office of Classification and Compensation.

6.12.3 Inactivation of Agencies/Master Agencies

Agency/Master Agency inactivation becomes necessary when the Legislature does not pass an appropriation act to continue or fund any positions within an agency. Petitions for inactivation of an agency shall be submitted a minimum of sixty (60) days prior to the proposed effective date. Note that all positions must be abolished before the agency/master agency may be inactivated. The agency director shall submit the following to the State Personnel Board:

- A. A letter of justification addressed to the State Personnel Director outlining the lack of authority to continue the agency; and
- B. Any other relevant supporting documentation.

6.12.4 Agency Program Budget Data

The agency program budget data is submitted to the State Personnel Board online in SPAHRS for each agency within the corresponding master agency. This information must be submitted to the State Personnel Board at the following times:

- during conversion from the current fiscal year to the newly appropriated fiscal year;
- as part of the submission of the annual Personal Services Budget Request for the future fiscal year;

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- when adding an agency or program during the operating fiscal year; and/or
- when changing the workers' compensation rate during the operating fiscal year.

General Instructions for submitting agency program budget data:

A. Fiscal Year

1. For FY Conversion - Use appropriated fiscal year;
2. For Budget Request - Use fiscal year for which Budget Request is made;
3. For Addition of Agency or Program and/or Change in Workers' Compensation Rate - Use Operating Fiscal Year.

B. Agency Number(s) - State Personnel Board assigned subagency number.

C. Program Number and Description - Program Numbers and Names as assigned by the Legislative Budget Office and the Department of Finance and Administration. Change, deletion or addition of a program during the operating fiscal year or for the budgeted fiscal year will require documentation of Legislative Budget Office and Department of Finance and Administration concurrence.

D. General Fund, Federal Fund, Other Fund

1. For FY Conversion or Change in Workers' Compensation Rate - Indicate amount of total appropriated personal services dollars assigned to each fund within each program;
2. For Budget Request - Indicate amount of total personal services dollars necessary to fully fund existing positions and requested actions assigned to each fund within each program;
3. For Addition of Agency or Program - Indicate amount of total personal services dollars authorized by the Department of Finance and Administration assigned to each fund within each program.

E. Current Workers' Compensation Rate - The numerical rate, expressed in a four (4) digit decimal form, used to compute the total amount needed to cover the

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operating or budgeted fiscal year's Workers' Compensation Insurance.

F. Requested to Cover Cost

1. For FY Conversion, Addition of Agency or Program, and/or Change in Workers' Compensation Rate - Use total amount needed to cover Workers' Compensation for operating fiscal year;
2. For Budget Request - Use total amount needed to cover Workers' Compensation for the fiscal year for which the budget request is made.

Please reference the SPAHRS User Training Workbook, Agency Segment, for more detailed information regarding adding/modifying agency program budget information.

6.13 ORGANIZATIONAL PLANNING AND POSITION MANAGEMENT

The State Personnel Board shall recommend policies and procedures for the efficient and economical use of each employment position. The appointing authority of each agency shall be responsible for directing organizational planning and position management intended to manage the number and distribution of staffing resources through:

- A. Efficient and effective organization and staffing plans to accomplish the agency mission and program requirements;
- B. Effective utilization of all personnel resources, considering such factors as available staffing, positions, supervisory spans of control, lines of supervision, supervisor/employee ratios, functional responsibility and delegation of authority; and
- C. Continuing review of organizational structure, staffing plans and position utilization.

[Refer, Section 25-9-101 et seq. Mississippi Code of 1972, Annotated, as amended.]

6.13.1 The Staffing Planning Cycle

The staffing planning cycle is a continuous process reflecting the current, ongoing

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planning phase and the advanced planning phase required to be in concert with the personal services budget and appropriation cycles. The staffing planning cycle is divided into three units of time:

1. Current fiscal year encompasses the present appropriation acts under which agencies are operating;
2. Next fiscal year is the fiscal year immediately following the current fiscal year and for which the appropriation acts are approved by the current year's legislative session for implementation and use after the current fiscal year;
3. Future fiscal year means the fiscal year(s) immediately following the next fiscal year for which agencies prepare budget requests to effect advanced planning for position(s), organizational changes and future appropriations.

6.13.2 Budgeting for Staffing Positions

All agency requests and justification for additional staffing positions shall be submitted online in SPAHRS to the State Personnel Board for recommendation to the Department of Finance and Administration and the Legislative Budget Office as part of the annual budget process. Budget requests for the future fiscal year must be submitted in accordance with the Department of Finance and Administration/Legislative Budget Office Budget Instructions and State Personnel Board Staff Management Planning Instructions. These instructions are issued annually. Requests for additional positions shall not be recommended for authorization when there are existing long-term vacancies within the organization of the same, similar or related classes, or when current position utilization is ineffective or inefficient. The State Personnel Board shall annually monitor each agency's budget request and appropriation bill through the legislative appropriations process [Refer, Section 25-9-133 (1), Mississippi Code of 1972, Annotated, as amended].

6.13.3 Organizational Planning

The Staffing Management Program of each agency shall incorporate existing and proposed agency and position data into organizational charts indicating each position authorized. All current or proposed organizational charts shall be reviewed by the agency for completeness and accuracy of data to ensure inclusion of actions approved

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for next fiscal year implementation and conformance to the agency's next fiscal year appropriation act. The following shall be in effect with respect to agency organizational charts:

- A. Agencies shall submit an original and one (1) file copy of the organizational chart in the format indicated on page 6.F.2 for approval by the State Personnel Board prior to the start of each fiscal year. Upon approval by the State Personnel Board, the organizational structure and codes shall become the official organizational structure of the agency for current and/or succeeding fiscal years and the basis for all requested position and organizational changes;
- B. Constant internal review of any agency organizational structure is an agency responsibility. Agencies may make minor alterations or movement of individual positions, including county code changes, in their organizational charts for efficiency or to balance staffing workload (generally singular moves below the division level) during the fiscal year. When requesting organizational chart revisions, the Agency shall submit the request for organizational code or county code change online through SPAHRS on the Position Screen. The following information shall be forwarded to the State Personnel Board in support of the organizational change:
 - 1. Organizational chart pages signed by the appointing authority depicting both current and proposed structure; and
 - 2. Additional documentation as may be specified by the State Personnel Director.
- C. Agencies shall request the State Personnel Board to review major changes or movement of positions within the organizational structure. Major alterations, movements or changes within the agency organizational structure must be approved by the State Personnel Board prior to implementation by the agency. Contact your Classification/Compensation Analyst to determine the format in which to submit your proposed reorganization for formal presentation before the State Personnel Board.

6.13.3.a Organizational Coding

The organizational location code is usually a five - ten (5 - 10) digit code used in con

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junction with the PIN, occupational class title, FLSA Code, Service Status Code (if non-state service) and start salary of the occupational class to depict the exact location of every authorized position within the agency organizational hierarchy.

The agency head typically shall be designated by six zeros. However, because the size of the agency dictates the number of supervisory levels required, some agencies will need to utilize more than six or less than six zeros. Please contact your State Personnel Board Classification/Compensation Analyst for assistance. All members of the agency head's immediate and personal staff shall begin with a zero digit on the left and appear as number 000001 through 099999.

Where larger agencies have a complicated organization and span of control, the Office level is the level beneath the agency head. Office Directors shall be numbered 10000-0, 200000, 300000, through 900000. The limit is nine offices. Each Office Director has an organizational code with five zeros on the right and is supervised by the agency head with six zeros.

Where authorized, or required, the bureau level is the level beneath the office level. Bureaus are normally authorized in the larger agencies or in those agencies where applicable statutes stipulate the agency shall have bureaus. Bureau Directors shall be numbered 110000, 210000, 310000 through 990000. The limit is nine bureaus per office. Each Bureau Director has an organizational code with four zeros on the right and is supervised by the Office Director with five zeros.

Where authorized, the division level, is directly beneath the bureau level. Division Directors are number 111000, 211000, 311000 through 911000. The limit is nine divisions per bureau. Each Division Director has an organizational code with three zeros on the right and is supervised by the Bureau Director with four zeros on the right.

The Branch level is the level under the division level. Where agencies are not authorized bureaus or divisions, branches may be directly beneath the agency head. Branch Directors shall be number 111100, 211100, 311100 through 911100. The limit is nine branches per division. The Branch Director has an organizational code with two zeros on the right and is supervised by the Division Director with three zeros on the right.

The section level is under the branch. Section Chiefs are number 111110, 211110, 311110 through 999990. The limit is nine sections per branch. The Section Chief

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has an organizational code with one zero on the right and is supervised by the Branch Director with two zeros on the right. Section Chiefs have no personal staff. Sections exercise supervision over work units.

Unit is the worker level of the agency organization. These individuals have no supervisory responsibility and receive their supervision from the Section Chief. The last digit of the unit organizational code can be number one through nine. (Refer to page 6.F.3.)

6.13.3.b Agency Organizational Chart

- A. The overview page of an organizational chart is applicable to the larger agencies that require several pages of organizational charts to depict all authorized positions. Items to be included on the overview page include:
1. Agency Head;
 2. Agency Head's immediate staff; and
 3. Program functions depicted by separate squares using lines to indicate related functions by supervision.
- B. Mandatory items that shall be included on the agency organizational chart:
1. All authorized positions;
 2. Each square shall include the following data as depicted in the example on page 6.F.2:
 - a. The official occupational class title of the position at the top of the square;
 - b. The functional title for the position at the bottom of the square (optional);
 - c. The start salary (rounded to the nearest one-tenth of one thousand dollars) of the occupational class in the lower left side of the position box (i.e. \$37,856.48 = 37.9 and \$37,829.74 = 37.8);
 - d. The position identification number (PIN) in the lower right side of the position box (agency code numbers may also be indicated for agencies utilizing multiple agency codes.);

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- e. The organizational code number;
- f. The FLSA classification in the bottom center of the position box.
FLSA Codes are identified below:

<u>Classification</u>	<u>Code</u>
Exempt	E
Non-Exempt/Hospitals	H
Non-Exempt/Other	N
Non-Exempt/Public Safety	P

- g. The page number where each PIN can be found when there are follow-up pages;
 - h. The service status code (if the position is non-state service, i.e. x-16).
- C. In this example, the chart only goes down through bureau level, indicating precisely those individuals directly supervised by, or reporting directly to, the agency head. Agencies not authorized offices or bureaus shall use divisions directly under the agency head.
- D. All organizational charts shall show the lines of supervision within the agency's hierarchy.
- 1. Lines of supervision clarify the raters and reviewers in the agency's performance appraisal system.
 - 2. Lines of supervision also reveal a supervisor's span of control. Nine is generally considered as the maximum number of positions a supervisor can effectively supervise.
- E. The information in the upper right corner of the organizational chart example shall be placed on each page. However, the director need only sign the first page.

6.13.4 Staffing Guides/Plans/Standards

Each agency director, in conjunction with the State Personnel Board, shall be respon-

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sible for development of staffing guides, plans and standards to justify and substantiate staffing position requirements. Agency staffing plans shall be utilized to formulate uniform staffing standards applicable to designated employment positions and classes within agencies. [Refer, Section 25-9-133 (1), Mississippi Code of 1972, Annotated, as amended].

6.13.5 Agency Reorganization

Agency requests for reorganization shall be accomplished:

- A. In accordance with the provisions of State Personnel Board rules, regulations and procedures;
- B. According to authorization of positions in appropriation acts or budgetary escalations;
- C. In accordance with current fiscal policy and legislative intent; and
- D. Through submission of a detailed letter of compelling justification from the agency director to the State Personnel Director. Attachments to this letter shall include:
 - 1. Current and proposed organizational charts;
 - 2. All required documentation for requested downward, lateral, and upward reallocations. (Refer to Section 5.0.);
 - 3. All required documentation for any requested class establishments. (Refer to Section 5.0.); and/or
 - 4. All required documentation for any requested realignments. (Refer to Section 5.0.)

6.13.6 Establishment of Positions

The establishment of positions occurs either at the start of the fiscal year at conversion for newly appropriated positions or during the operating fiscal year when

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mandated by special circumstances such as budget escalation authorized by the Department of Finance and Administration or deficit appropriation.

- A. The following documentation shall be submitted in support of all requests to establish new positions:
1. A copy of the appropriation bill or Department of Finance and Administration escalation authority authorizing the position establishment;
 2. An organizational chart depicting the precise location of all authorized positions, including ones to be established;
 3. A Job Content Questionnaire for each position requested. A representative JCQ may be submitted when all positions are to be allocated to the same job class and will be assigned substantially the same work;
 4. A letter of request addressed to the State Personnel Director and signed by the agency head;
 5. Requests for new positions in a new job class shall also include documentation required for a class establishment. (Refer to Section 5.0.)
- B. Each new position's Position Identification Number (PIN) may be assigned by the requesting agency or SPAHRS will assign the next available number.

Please reference the SPAHRS User Training Workbook, Position Segment, for more detailed information regarding position establishments.

6.13.7 Abolishment of Positions

Each agency shall enter vacant position abolishments online in SPAHRS when the number of actual positions is in excess of the number of positions authorized by the agency's appropriation act for the next fiscal year. (Refer to Section 5.0.) [Refer, Section 25-9-119 (i) and 25-9-133 (1), Mississippi Code of 1972, Annotated, as amended.]

Routine position abolishments shall be submitted online in SPAHRS as soon as practical prior to the proposed effective date unless such abolishment would result in an

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agency reorganization. Agencies effecting reductions in positions resulting in reorganization shall submit required forms and revised organizational charts to the State Personnel Board at least sixty (60) days prior to deleting the positions.

Petitions for position abolishment to effect a reduction in force shall be submitted to the State Personnel Board a minimum of sixty (60) days prior to the proposed effective date. (Refer to Section 7.60.) Reductions in agency staffing shall be proportionate among positions within the hierarchical structure so as not to adversely affect supervisory or non-supervisory classes of positions.

Agencies shall apply a study of the essential needs of the organization, including the need for supervisory positions, when planning a reduction in employment positions. Changes in agency program shall be constantly analyzed with the intent of effecting maximum efficiency with minimum staffing. Agencies should note the possibility of changes in the Job Content Questionnaire for other continued positions impacted by reductions. Agencies effecting reductions in employment positions shall submit required documents on State Personnel Board approved forms in accordance with the instructions and examples contained herein. (A current list of agency vacancies is available by use of the browse screens within the Position Segment of SPAHRS.)

NOTE: Individuals cannot receive payment for accrued annual leave unless SPAHRS reflects termination from the requesting agency.

Please reference the SPAHRS User Training Workbook, Position Segment, for more detailed information regarding Position Abolishments.

6.13.8 Swap or Transfer of Positions within Legislative Authority

A Position Transfer is the movement of an authorized position from one agency to another agency. A full-time/part-time swap is the change in the part-time/full-time status of two (2) positions accomplished within legislative authority. The swapping or transferring of positions may occur either at the start of the fiscal year as a part of conversion or during the operating fiscal year as follows:

- A. Agencies may be mandated by legislative action to transfer positions from one master agency to another master agency or from one agency to another agency within the same master agency at the start of the fiscal year or as a part of conversion. Position transfers from one agency to another agency within the same master should be requested through SPAHRS using the Intra-Agency

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Position Transfer screen. At the same time position transfers are requested for approval, the following documents must be submitted in support of all such requests:

1. A copy of the bill authorizing position transfers;
 2. Pages of the appropriate organizational chart depicting the proposed placement of the position(s) to be transferred.
- B. Certain agencies are given authority each fiscal year in their appropriation bill to transfer positions between authorized agencies. Authority to transfer positions between agencies is granted by the legislature to specified agencies in the annual appropriation to the agency. Position transfers from one agency to another agency within the same master should be requested through SPAHRS using the Intra-Agency Position Transfer screen. Approval to implement transfers during the current fiscal year must be requested and received from the Department of Finance and Administration prior to submitting online in SPAHRS submission to the State Personnel Board. The following attachments must be included with all such requests:
1. A copy of the letter of authorization from the Department of Finance and Administration; and
 2. Appropriate organizational chart pages depicting the placement of the positions before and after the swap.
- C. Any agency authorized both part-time and full-time positions may effect the change of status of a position from part-time to full-time at any time during the operating fiscal year. In such instances, the agency must provide a companion action changing the status of a full-time position to part-time in order to maintain its appropriated position count. A Full-time/Part-time swap should be requested using the Full-Time/Part-Time Swap screen within the Position Segment of SPAHRS.

Please reference the SPAHRS User Training Workbook, Position Segment, for more detailed information regarding Intra-Agency Position Transfers or Full-time/Part-time Position Swaps.

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6.13.9 Annual Registration of Authorized Positions

- A. Registration of authorized positions shall apply to the following agencies and employment positions:
1. State service agencies and positions; and
 2. Non-state service agencies and positions excluded from the state service by Section 25-9-107 (c), Mississippi Code of 1972, Annotated, as amended:
 - agencies voluntarily operating under limited provisions of the State Personnel Board; and/or
 - time-limited positions. [Refer, Section 25-9-107 (c)(xiv), Mississippi Code of 1972, Annotated, as amended.]

Registration shall be completed by the close of business on the last day of the fiscal year. All inconsistencies between next fiscal year authorization and current State Personnel Board agency, position and employee data shall be resolved by this date, including the completion of any plan to adjust positions (adjustments; reauthorizations; establishments; abolishments; transfers; consolidations; changes of status from part-time to full-time or full-time to part-time; or changes of status from permanent to time-limited or time-limited to permanent), execute a reduction in force or implement a legislatively mandated reorganization. There shall be no exceptions to this policy. [Refer, Section 25-9-103 (g) and Section 25-9-135 (1), Mississippi Code of 1972, Annotated, as amended.]

- B. All agencies and employment positions authorized in each agency's appropriation act shall be updated to reflect actual next fiscal year program budget data by program and fund source by the date specified in Policy Memorandum No. 1, Administrative Policies and Procedures for the Registration of Authorized Agencies, Positions, and Program Budget Data. This policy memorandum is updated at the beginning of each fiscal year.
- C. Organizational charts shall be revised to reflect position adjustments required to conform to the next fiscal year authorization and submitted to the State

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Personnel Board by June 1 of each fiscal year. A legislatively mandated reorganization shall be monitored by the State Personnel Board to ensure compliance with legislative intent. A reorganization initiated by the agency or necessitated to conform to the agency's next fiscal year position authorization, or an adjustment to an existing staffing plan, shall require prior State Personnel Board approval. Such conformance reorganization proposals must be submitted to the State Personnel Board sixty (60) days prior to implementation.

6.13.10 Continuation of Position(s)

- A. Documentation will not be required to continue established permanent positions within the agency where no change has occurred.
- B. Time-limited positions should be marked for continuation in the next fiscal year using the FY Time-Limited Position Re-Authorization screen within the Position Segment of SPAHRS.

Please reference the SPAHRS User Training Workbook, Position Segment, for more detailed information regarding the reauthorization of time limited positions.

6.13.11 Change in Position Status

Authority to change the status of an established position from part-time to full-time (or full-time to part-time) will require an online revision of the months and/or hours fields on the Maintain Position Information screen within SPAHRS.

Please reference the SPAHRS User Training Workbook, Position Segment, for more detailed information regarding position status changes.

6.13.12 Position Program Budget Data Change

Changes to the program budget data of positions during the operating fiscal year shall be submitted online using the Position Program Budget Information screen within SPAHRS.

Please reference the SPAHRS User Training Workbook, Position Segment, for more detailed information regarding changes to position program budget.

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6.14 POSITION COST PROJECTION AND POSITION VALIDATION

Agencies can view or print position cost projections using the Maintain Budget Projection Parameters screen within SPAHRS. Information found in any projection should be reviewed by the agency for accuracy and be looked upon as the basis for any future position additions, changes, or abolishments.

NOTE: The authorized appropriated position data in the State Personnel Board database must be updated and kept current at all times.

6.15 STAFFING AUDITS

On-site staffing audits shall be utilized to determine the necessity for various positions within the agency's organizational structure. Agencies shall supply all information as requested by the audit team. The audit team shall work closely with the agency's personnel office. Questions regarding positions shall be resolved at the organizational level in which the audit is being conducted. Justification of the necessity of a particular position or organizational structure shall be the responsibility of the agency. Audit team members shall conduct a closing interview with the head of the agency being audited to discuss the team's general recommendations and to discuss the dissent procedure. An audit report of recommendations shall be in accordance with standard format and be forwarded to the audited agency following its approval for release and implementation by the State Personnel Board. [Refer, Section 25-9-133 (1), Mississippi Code of 1972, Annotated, as amended.]

- A. Agencies scheduled for staffing audits shall be required to complete such forms as required to justify each position prior to on-site audits by State Personnel Board staff. Staffing Audit Questionnaires shall be supplied to the agency for completion and returned to the State Personnel Board within a specified time frame. During on-site audits, audit team members shall utilize the completed Staffing Audit Questionnaires as well as other appropriate forms to gather data and information to be used in the audit report.
- B. The staffing audit shall be used to determine the need for positions and organizational structure within audited agencies.

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6.15.1 Frequency of Staffing Audits

The State Personnel Board shall audit each agency by a personal visit on a cyclical basis and/or continual review of agency data in the State Personnel Board files.

6.15.2 Notification of Staffing Audits

Each agency which is scheduled for audit shall be notified in writing prior to the survey. The notification shall contain the date the survey is scheduled to begin and requirements for completing audit forms and compiling relevant data.

6.20 CONTRACT FOR PERSONAL SERVICES

6.20.1 Policy Statements

- A. No person shall be employed by any agency for any period for any purpose except in an employment position authorized by legislative appropriation or by the body authorized by law to escalate budgets and approve employment positions under the guidelines established by the Legislature except those authorized to be employed under the provisions of Section 25-9-107 (c)(x), Mississippi Code of 1972, Annotated, as amended, as contract personnel for personal and professional services. [Refer, Section 25-9-133 (2), Mississippi Code of 1972, Annotated, as amended.]
- B. Any agency which employs state employees may enter into contracts for personal and professional services only if such contracts are approved in compliance with the rules and regulations promulgated by the Personal Service Contract Review Board under Section 25-9-120 (3) Mississippi Code of 1972, Annotated, as amended. [Refer, Section 25-9-107 (c) (x), Mississippi Code of 1972, Annotated, as amended.]
- C. Prior to paying any warrant for contractual services in excess of one hundred thousand dollars (\$100,000.00), the auditor of public accounts shall determine whether the contract involved was for personal or professional services, and, if so, shall determine whether it was approved by the State Personal Service Contract Review Board; provided, however, that any personal service contracts entered into for computer or information technology-related services governed by the Mississippi Department of Information Technology Services, any personal

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service contracts entered into by the Mississippi Department of Transportation, and any contract for attorney, accountant, auditor, physician, dentist, architect, engineer, veterinarian, and utility rate expert services are exempt. [Refer, Section 25-9-107 (c) (x), Mississippi Code of 1972, Annotated, as amended.]

Note: Section 27-104-105, Mississippi Code of 1972, Annotated, as amended, states that the Department of Finance and Administration shall not process any warrant requested by any state agency for payment for legal services without first determining that the services and contract were approved by the Attorney General and the State Personnel Board; contracts for legal services performed for the State Highway Department in eminent domain cases shall not require approval by the State Personnel Board.

6.20.2 Coverage and Scope of the Policies

- A. These policies shall govern personal and professional contract services which cannot reasonably be expected to be performed by current or future employees in authorized employment positions within state service agencies. Non-state service agencies are not required to comply with these policies unless they are contracting with a state service agency.
- B. Except as provided for in Section 27-104-105, Mississippi Code of 1972, Annotated, as amended, any personal service contracts entered into for computer or information technology-related services governed by the Mississippi Department of Information Technology Services, any personal service contracts entered into by the Mississippi Department of Transportation, and any contract for attorney, accountant, auditor, physician, dentist, architect, engineer, veterinarian, and utility rate expert services shall be excluded from the provisions of this policy.
- C. Contracts between agencies under the State Personnel Board system are excluded.
- D. Section 25-4-105 (3) (a), Mississippi Code of 1972, Annotated, as amended, cited below prohibits an employee from rendering personal and professional services on a contractual basis to the agency by which employed:

"No public servant shall: (a) be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent other

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than in his contract of employment, or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee, or agent."

- E. State Personnel Director and the State Personal Service Contract Review Board authority under Sections 25-9-133 and 25-9-107 (c) (x), Mississippi Code of 1972, Annotated, as amended, does not negate the bid, purchase, review or approval of policies and procedures established by statutory authority of any other regulatory agency.
- F. For detailed information about administrative procedures regarding personal services contracts, please refer to the Personal Service Contract Procurement Regulations and Policy and Procedures Memorandum.

6.30 LEGAL SERVICES CONTRACTS

This section sets forth uniform policy guidelines on legal services contracts entered into by State agencies. These guidelines incorporate a single set of procedures which are designed to assist State agencies to comply with requirements of State law prescribing the process for payment of legal services performed by attorneys and their assistants.

For the timely, effective and efficient implementation of the State Personnel System, the State Personnel Board hereby delegates to the State Personnel Director the authority to review and approve or disapprove legal services contracts in an amount not to exceed \$100,000 per contract, including modifications thereto within the fiscal year. Legal services contracts in an amount exceeding \$100,000 per contract, including modifications thereto within the fiscal year, must be presented to the State Personnel Board for approval or disapproval.

6.30.1 State Statutes

- A. Senate Bill 2512, enacted into law by the 1991 Legislative Session states, in part:

SECTION 1. The Department of Finance and Administration shall not process any warrant requested by any state agency for payment of legal services without first determining that the services and contract were approved by the

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Attorney General and the State Personnel Board. The State Auditor shall test for compliance with this section.

SECTION 2. The State Auditor shall, when conducting agency audits, test to determine whether or not the state institutions of higher learning and any state agency which does not draw warrants on the Treasury have received approval of the Attorney General for any contract for legal services.

SECTION 3. This act shall take effect and be in force from and after its passage. Approved: March 29, 1991 [1991 Miss. Laws: Chap. No. 473]

- B. **Section 27-104-105, Mississippi Code of 1972, Annotated, as amended, codifies Senate Bill 2512 and states as follows:**

The Department of Finance and Administration shall not process any warrant requested by any state agency for payment for legal services without first determining that the services and contract were approved by the Attorney General and the State Personnel Board. The State Auditor shall test for compliance with this section.

6.30.2 Scope and Application of Policies

- A. These policies will be applied by the State Personnel Board in the enforcement of **Section 27-104-105, (Mississippi Code of 1972, Annotated, as amended.)** The policies are intended to be consistent with existing law.
- B. These policies apply to personal and professional agreements made between State agencies and persons for legal services. The term "agreements" means written or oral contracts which involve process of payment for legal services by the Department of Finance and Administration. The term "persons" means attorneys, law firms, and other individuals who would perform legal services such as paralegal professionals.
- C. Legal services contracts entered into by the Mississippi State Department of Transportation and approved by the State Attorney General involving eminent domain activities are not affected by these policies.
- D. Legal services contracts entered into by the Office of the Attorney General and state agencies for special assistant attorneys general are not affected by these policies.

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6.30.3 Administrative Procedures

Requests to enter into contracts for legal services for each Fiscal Year shall be submitted to the State Attorney General prior to submission to the State Personnel Board in accordance with policies and procedures outlined in Policy Memorandum No. 3, *Personnel and Legal Services Contract Policies and Administrative Procedures* for the current fiscal year.

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SPB FORM 612-88 Rev. 3/93		STATE PERSONNEL BOARD PROGRAM BUDGET INFORMATION FOR PERSONAL SERVICES (SALARIES, WAGES AND FRINGE BENEFITS)		
FISCAL YEAR				
AGENCY NAME				
MASTER AGENCY NUMBER:		SUB-AGENCY NUMBER(S) (base and time-limited):		
PRG. #	DESCRIPTION	GENERAL FUND	FEDERAL FUND	OTHER FUND
1		\$	\$	\$
2		\$	\$	\$
3		\$	\$	\$
4		\$	\$	\$
5		\$	\$	\$
6		\$	\$	\$
7		\$	\$	\$
8		\$	\$	\$
9		\$	\$	\$
10		\$	\$	\$
11		\$	\$	\$
FUND TOTALS		a	b	c
CURRENT WORKERS' COMPENSATION RATE (in decimal form):		GENERAL FUND		a
		FEDERAL FUND		b
REQUESTED TO COVER COST:		OTHER FUND		c
*MUST EQUAL TOTAL PERSONAL SERVICES DOLLARS IN APPROPRIATION BILL IF USING FOR CONVERSION PURPOSES.		*GRAND TOTAL		

SAMPLE ORGANIZATION CHART

Department of Organization

Department of Organization
Agency 1010
Fiscal Year 2001
Prepared July 1, 2000
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Authorized Agency Signature

Appointed Official 000000 X-15 85.0 EE 0001
Executive Director

Secretary Admin 000003 20.8 EA 0003
Secretary to Dir

Staff Attorney Sr 000004 X-13 32.8 EA 0004
Legal

Public Info Officer 000005 24.8 EA 0006
P10

Exec Assistant I 000001 25.2 EA 0002
Technical Asst

Comptroller II 000002 32.9 EA 0005
Budget Officer

Bureau Director I 300000 42.9 EA 0009
Records Bureau Page 9

Bureau Director I 200000 42.9 EA 0008
Technical Bureau Page 5

Bureau Director I 100000 42.9 EA 0007
Research Bureau Page 2

EXAMPLE OF ORGANIZATIONAL CODING

